



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL

COUNSEL FOR:
COMMANDER, CRANE DIVISION
NAVAL SURFACE WARFARE CENTER
CRANE, INDIANA 47522-5000

IN REPLY REFER TO:

5720
00L/17F023.3
January 3, 2018

Ms. Rose Santos
FOIA Group
Post Office Box 368
Depaw, NY 14043

Dear Ms. Santos:

This letter is in final response to your Freedom of Information Act (FOIA) request received at Naval Surface Warfare Center, (NSWC) Crane Division on March 7, 2017. Your request indicated that you are seeking, "[Reference FGI #17-52377] Relevant to N0016417DJQ63 we seek (1) copy of the contract and SOW/PWS and deliverables (2) all modifications (3) task orders with SOW/PWS."

Your request was assigned local Case File Number 2017-F-023. As per your email dated June 27, 2017, you indicated that you would accept clearly releasable information.

As it was received, the FOIA request stated that you agreed to pay FOIA processing fees of up to \$55.00. You were assigned into the "Commercial" fee category. As per the FOIA Improvement Act of 2016, due to the response time to your request exceeding the statutorily regulated time there is no charge for your request.

Six (6) potentially responsive documents were located. The documents were redacted consistent with three applicable FOIA exemptions. Exemption (b)(3) exempts information that is covered by another statute that specifically exempts the information and permits no discretion on the issues. In this case, statute FOIA exemption (b)(3) exempts records from release that are specifically exempted from disclosure by statute 10 U.S.C. § 130. The relevant portion of the statute provides the following:

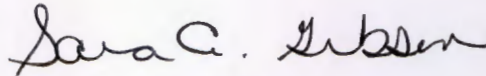
(a) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any technical data with military or space applications in the possession of, or under the control of, the Department of Defense, if such data may not be exported lawfully outside the United States without an approval, authorization, or license under the Export Administration Act of 1979 (50 U.S.C. App. 2401-2420) or the Arms Export Control Act (22 U.S.C. 2751 et seq.)

Access to the document is subject to the provisions of Department of Defense Directive 5230.25, Withholding of Unclassified Technical Data From Public Disclosure. You may wish to refer to that Directive for further information about access to the document by qualified U.S. Contractors.

FOIA exemptions at 5 U.S.C. § 552(b) are Exemption 4 and Exemption 6. Exemption (b)(4) protects commercial or financial information received from a private source when disclosure is likely to cause substantial competitive harm to the source. Exemption (b)(6) exempts personal information from release which, if released would result in a clearly unwarranted invasion of personal privacy. Each redaction has been annotated to show the applicable FOIA exemption.

If you have any questions concerning this letter, you may contact me at (812) 854-5297 or by email at sara.gibson@navy.mil.

Sincerely,

A handwritten signature in cursive script that reads "Sara A. Gibson".

SARA A. GIBSON
By direction

Enclosure(s)